

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

07-0-1467

**AN ORDINANCE TO REPEAL CHAPTER 154, ARTICLE VI, STORMWATER
MANAGEMENT UTILITY, OF THE CITY OF ATLANTA CODE OF
ORDINANCES; AND FOR OTHER PURPOSES.**

WHEREAS, in 1998, the City of Atlanta ("City") passed into law Ordinances 1998-7 and 1998-67, codified as Chapter 154, Article VI of the Atlanta City Code, establishing a stormwater utility within the Department of Public Works to manage, protect, control, regulate, and enhance municipal stormwater systems and facilities and establishing an enterprise fund within the city's budget and accounting system for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the stormwater utility and creating credits, adjustments and appellate procedures; and

WHEREAS, on September 22, 1999, the Superior Court of Fulton County issued an order that the City did not appeal in the case styled, *Fulton County Taxpayers Association, et al. v. City of Atlanta*, No. 1999CV05897, 1999 WL 1102795 (Ga. Super. Sept. 22, 1999), invalidating Ordinance 1998-7 as codified; and

WHEREAS, as of September 22, 1999, Chapter 154, Article VI, of the Atlanta City Code entitled Stormwater Management Utility has had no force or effect as a result of the Superior Court of Fulton County's order.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY
ORDAINS** as follows:

SECTION 1: That Chapter 154, Article VI, of the Atlanta City Code entitled Stormwater Management Utility, is hereby repealed in its entirety.

SECTION 2: That all ordinances or parts in conflict herewith, be and the same are hereby repealed.

Part II: Legislative White Paper:

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

Caption: AN ORDINANCE TO REPEAL CHAPTER 154, ARTICLE VI, STORMWATER MANAGEMENT UTILITY, OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

Council Meeting Date: September 4, 2007.

Requesting Dept.: Law

B

. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to repeal Ch. 154, Art. VI of the Atlanta City Code in its entirety. Ch. 154, Art. VI created a Stormwater Management Utility in 1998. Ch. 154, Art. VI was invalidated in 1999 by order of the Superior Court of Fulton County in the case styled, *Fulton County Taxpayers Association, et al. v. City of Atlanta*, No. 1999CV05897, 1999 WL 1102795 (Ga. Super. Sept. 22, 1999). Ch. 154, Art. VI has had no force or effect as of September 22, 1999.

2. Please provide background information regarding this legislation.

This legislation is required to remove the invalidated ordinance from the City's Code of Ordinances.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** NA
- (b) **Source Selection:** NA
- (c) **Bids/Proposals Due:** NA
- (d) **Invitations Issued:** NA
- (e) **Number of Bids:** NA
- (f) **Proposals Received:** NA

(g) Bidders/Proponents: NA

(h) Term of Contract:

4. Fund Account Center:

Fund: _____ Account: _____ Center: _____

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Marc Goncher, Assistant City Attorney

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Contact Number: ____ ext. 6207 ____

Originating Department: ____ Law Department ____

Committee(s) of Purview: ____ City Utilities Committee ____

Chief of Staff Deadline: ____ July 9, 2007 ____

Anticipated Committee Meeting Date(s): ____ July 31, 2007 ____

Anticipated Full Council Date: ____ September 4, 2007 ____

Legislative Counsel's Signature: M. Theresa Stewart

Commissioner Signature: 

Chief Procurement Officer Signature: _____

CAPTION

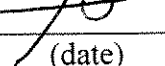
AN ORDINANCE
BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO REPEAL CHAPTER 154, ARTICLE VI, STORMWATER
MANAGEMENT UTILITY, OF THE CITY OF ATLANTA CODE OF
ORDINANCES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 7.10.07 Reviewed by: 
(date) (date)

Submitted to Council: _____
(date)